

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

THOMAS T. MURRAY; BETTY
ROADCAP; DUANE McINTYRE,
Plaintiffs-Appellants,
v.

DILLARD PAPER COMPANY;
INTERNATIONAL PAPER COMPANY;
XPED-X, and its subsidiaries, a
New York Corporation,
Defendants-Appellees,
and

ZELLERBACH; CROWN CORPORATION;
FORT JAMES PAPER COMPANY,
Defendants.

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No. 99-2133

Appeal from the United States District Court
for the Eastern District of Virginia, at Richmond.
James R. Spencer, District Judge.
(CA-98-585-3)

Argued: September 28, 2000

Decided: October 25, 2000

Before NIEMEYER and MICHAEL, Circuit Judges, and
Frederick P. STAMP, Jr., Chief United States District Judge for the
Northern District of West Virginia, sitting by designation.

Affirmed by unpublished per curiam opinion.

COUNSEL

ARGUED: Stephine M. Wells-Moragne, OUT OF STATE ADMINISTRATIVE OFFICE, Lake Wylie, South Carolina, for Appellants. James LeRoy Banks, Jr., MCGUIRE, WOODS, BATTLE & BOOTHE, L.L.P., Richmond, Virginia, for Appellees. **ON BRIEF:** E. Duncan Getchell, Jr., William H. Baxter, MCGUIRE, WOODS, BATTLE & BOOTHE, L.L.P., Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION**PER CURIAM:**

Thomas Murray, Duane McIntyre, and Betty Roadcap, individuals who worked as employees of Dillard Paper Company, in Richmond, Virginia, commenced this action alleging employment discrimination and retaliation claims under Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act ("ADA"), and the Age Discrimination in Employment Act ("ADEA"). The district court entered summary judgment in defendants' favor, and this appeal followed.

Murray, a 56-year-old African American, was a truck driver with Dillard Paper who had applied unsuccessfully for various sales positions within the company during 1997. He contends that he was not given a sales position because of his race, sex, and age. He also contends that he was delayed in having been given full-time employment with the company because of his age; that the company retaliated against him because he filed an EEOC charge and complained that African Americans were given less desirable jobs; that the company failed to accommodate him after he complained of tendinitis; and that he was subjected to a hostile work environment based on his race. Dillard Paper contends that it based its employment decisions with respect to Murray on merit and that race, sex, and age played no part in its decisions.

McIntyre, a 35-year-old African American whom Dillard Paper fired because he falsified his time record, contends that he was fired because of his race. He also alleges that he was subjected to a hostile work environment based on his race.

Roadcap, a 56-year-old white woman, contends that, when she protested the elimination of a position at Dillard Paper that had been filled by an African American, the company treated her adversely by yelling at her, monitoring her whereabouts, leaving her out of meetings, criticizing her, giving her a poor performance evaluation, and requiring her to report to a newly-hired manager. She alleges that the company discriminated against her and retaliated against her in violation of Title VII, the ADEA, "and/or" the ADA.

We have carefully reviewed the record in this case and considered appellants' arguments made both in their briefs and at oral argument. For the reasons given by the district court in its comprehensive memorandum opinion, *see Murray, et al. v. Dillard Paper Co., et al.*, Civil Action No. 3:98CV585 (E.D. Va. Aug. 4, 1999), we affirm.

AFFIRMED